

*Swain, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Gary A. Hebda and Deborah L. Hebda,

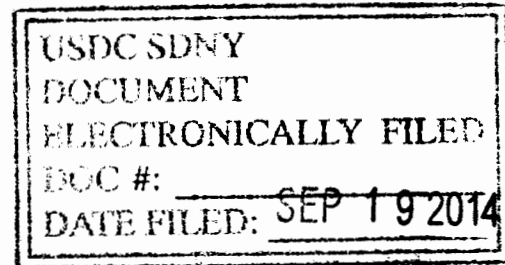
Plaintiffs,

v.

Davis Selected Advisers, L.P., and  
Davis Selected Advisers-NY, Inc.,

Defendants.

Civil No. 1:14-cv-4318 (LTS) (HBP)



Saul Chill and Sylvia Chill,

Plaintiffs,

v.

Davis Selected Advisers, L.P., and  
Davis Selected Advisers-NY, Inc.,

Defendants.

Civil No. 1:14-cv-6842 (LTS)

**STIPULATION AND ~~PROPOSED~~ ORDER CONSOLIDATING CASES AND  
SETTING BRIEFING SCHEDULE FOR MOTIONS TO APPOINT LEAD COUNSEL**

WHEREAS, on June 16, 2014, Plaintiffs Gary A. Hebda and Deborah L. Hebda (the "Hebda Plaintiffs") filed an action (the "*Hebda* Action") on behalf of the Davis New York Venture Fund (the "Fund") against Defendants Davis Selected Advisers, L.P., and Davis Selected Advisers-NY, Inc. ("Defendants");

WHEREAS, on August 22, 2014, Plaintiffs Saul Chill and Sylvia Chill (the "Chill Plaintiffs") filed an action (the "*Chill* Action") on behalf of the Fund against Defendants;

WHEREAS the *Hebda* Action and *Chill* Action (the “Related Actions”) both allege violations of Section 36(b) of the Investment Company Act of 1940, 15 U.S.C. § 80a-35(b), against the same Defendants and based on many of the same or substantially similar facts;

WHEREAS, in view of the common issues of law and fact involved in the Related Actions, the parties agree that consolidating the Related Actions under Fed. R. Civ. P. 42(a) will promote judicial economy and efficiency and minimize the expenditure of time and money by all parties involved;

WHEREAS the parties further agree that appointing Lead Counsel for Plaintiffs in the Related Actions will promote judicial economy and efficiency by eliminating duplication and repetition of effort;

WHEREAS the Hebda Plaintiffs and the Chill Plaintiffs both intend to file motions to appoint their respective counsel Lead Counsel for Plaintiffs in the Related Actions (the “Lead Counsel Motions”); and

WHEREAS the parties have agreed to a schedule for briefing the Lead Counsel Motions and for filing a consolidated amended complaint following the Court’s decision on the Lead Counsel Motions;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties in the Related Actions through their undersigned counsel and subject to the Court’s approval that:

1. The Related Actions are consolidated for all purposes pursuant to Fed. R. Civ. P. 42(a).
2. A Master Docket shall be established for the consolidated litigation, including any actions subsequently consolidated pursuant to this Order. Entries in the Master Docket shall be

applicable to the consolidated litigation, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.

3. Every pleading or other filing made in the consolidated litigation shall bear the following caption:

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re DAVIS NEW YORK VENTURE FUND  
FEE LITIGATION

Master File No. 1:14-cv-4318 (LTS) (HBP)

4. When an action involving common issues of law or fact is filed in or transferred to this Court, such action shall be consolidated with the Related Actions pursuant to Fed. R. Civ. P. 42(a). This Order shall apply to each such action.

5. The Hebda Plaintiffs and the Chill Plaintiffs shall file their respective Lead Counsel Motions no later than October 2, 2014, and shall file briefs in opposition to each other's Motion no later than October 15, 2014.

6. A consolidated complaint shall be filed in the consolidated litigation no later than 30 days after the Court's decision on the Lead Counsel Motions.

September 16, 2014

Respectfully submitted,

**ZWERLING, SCHACHTER &  
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September \_\_, 2014

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September \_\_, 2014

Respectfully submitted,

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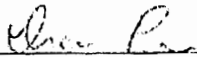
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September 16, 2014

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September 16, 2014

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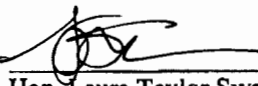
- and -

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IT IS SO ORDERED.

Dated: September 18, 2014



Hon. Laura Taylor Swain  
United States District Judge

